

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MARC A. EARLEY,

Plaintiff,

v.

NDOC, *et al.*,

Defendants.

Case No. 2:23-cv-01960-JAD-EJY

**ORDER**

Before the Court is Plaintiff's Response (ECF No. 23) to the Court's October 3, 2024 Order (ECF No. 18). In his Response Plaintiff provides additional identifying information for Defendants he seeks to sue. The information provided includes: (1) Dr. Brown and or the doctor who saw Plaintiff on or about March 1, 2021 at Ely State Prison; (2) the NDOC Medical Director as of March 1, 2021; (3) Dr. Marks—a doctor at LCC; and (4) a Nurse Practitioner at HDSP who treated Plaintiff in 2022 and diagnosed him with cancer. ECF No. 23. The below Order addresses this information.

With respect to Plaintiff's renewed motion for appointment of counsel and request to reconsider a prior order denying the same, the Court denies these requests at this time. Once information is provided by the Deputy Attorney General regarding the newly identified Defendants, and if any such Defendant is served, the Court advises Plaintiff to renew his Motion for Appointment of Counsel. However, until there is a Defendant who must respond to Plaintiff's Eighth Amendment claim, appointment of counsel is premature.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's renewed request for appointment of counsel in ECF No. 23 and Motion for Reconsideration (ECF No. 21) are DENIED without prejudice.

IT IS FURTHER ORDERED that the Deputy Attorney General **must** make a good faith and concerted effort to identify each of the above discussed Defendants and, no later than **December 3, 2024**, file a status report regarding: (1) whether any Defendant has been identified; (2) whether the Nevada Attorney General's Office accepts service on behalf of such Defendant; and (3) if service

1 cannot be accepted on behalf of any Defendant, the last known address for service of process for  
2 such Defendant. The last known addresses may be filed under seal, with notice to Plaintiff, but not  
3 service of this information.

4 Dated this 29th day of October, 2024.

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6 ELAYNA J. YOUCHAH  
7 UNITED STATES MAGISTRATE JUDGE  
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